

1-21-242

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Kevin Hayes
253 Applling St., # 31313
Hinesville, Georgia 31313

2. Article Number (Transfer from service label)

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Kevin Hayes
253 Appling St., # 31313
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U.S. Department of Justice

*United States Attorney
Southern District of Indiana*

10 West Market Street
Suite 2100
Indianapolis, IN 46204-3048

(317) 226-6333
TDD (317) 226-5438

Via Certified Mail: 7012 2920 0001 6183 5636 and First-Class Mail

*FAX NUMBERS:
Criminal (317) 226-6125
Administration (317) 226-5176
Civil (317) 226-5027
FLU (317) 226-6133
OCDETF (317) 226-5953*

June 7, 2023

Kevin Hayes
253 Appling St., # 31313
Hinesville, Georgia 31313

Re: Notice of Third Party Claimant Procedure for Property Forfeited in
United States v. Kenneth M. Addison and John C. Harville, 1-21-cr-00242-JRS-KMB

Dear Kevin Hayes:

The United States District Court for the Southern District of Indiana has ordered that certain property seized from Kenneth M. Addison and John C. Harville, in the criminal case *United States v. Kenneth M. Addison and John C. Harville, 1-21-cr-00242-JRS-KMB* be **forfeited** to the United States. The enclosed Notice of Forfeiture describes **WHAT** was subject to forfeiture and **HOW** to file a claim if you believe you have a legal right, title, or interest to any of the property.

With this letter, you are given **NOTICE** of the **forfeiture** of the property referred to in the Notice of Forfeiture and of your **right** to assert a claim. This Notice only explains your rights; this Notice is not intended to imply that the United States believes that you have a valid claim to any of the forfeited property.

The procedure for filing a claim is set forth in **21 U.S.C. § 853(n)**. Under § 853(n)(2) a person intending to file a claim **must do so in the above-styled case within thirty (30) days of receipt of this letter** by mail, or **within thirty (30) days of the last publication** of the Notice of Forfeiture on the official internet government forfeiture site, www.forfeiture.gov, ***whichever is earlier***. See Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Notice of Forfeiture is scheduled to begin publishing on the government forfeiture website on **June 3, 2023**.

Kevin Hayes
June 7, 2023
Page 2

Your claim **must be filed** under the case name and number *United States v. Kenneth M. Addison and John C. Harville*, 1-21-cr-00242-JRS-KMB in the United States District Court. A copy must be sent to the undersigned attorney for the Government. The appropriate addresses appear in the enclosed Notice of Forfeiture.

Pursuant to 21 U.S.C. § 853(n)(3), the claim must:

- be signed by you under penalty of perjury;
- identify the particular property or properties in which you claim legal right, title, or interest
- the nature and extent of the such right, title, or interest in each property
- the time and circumstances of the your acquisition of the right, title, and interest in each property
- and any additional facts and documents supporting your claim as well as any relief sought.

Sincerely,

ZACHARY A. MYERS
United States Attorney

By: *s/ Michelle A. Butler*
Michelle A. Butler
Paralegal Specialist

on behalf of Bradley P. Shepard
Assistant United States Attorney

Enclosures

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION
COURT CASE NUMBER: 1:21-CR-00242-JRS-KMB; NOTICE OF FORFEITURE**

Notice is hereby given that on April 21, 2023, in the case of U.S. v. Kenneth M. Addison and John C. Harville, Court Case Number 1:21-CR-00242-JRS-KMB, the United States District Court for the Southern District of Indiana entered an Order condemning and forfeiting the following property to the United States of America:

Five assorted firearms with magazines and ammunition including a Smith & Wesson M&P Bodyguard 380, Ser No: KDN2182; a New England Pardner Renegade 12 gauge pump shotgun, Ser No: HW507226; a Taurus PT 1911, Ser No: HGW84836; a LWRC IC-DI rifle, Ser No: 24-22336; a Glock 21, Ser No: LVZ745; 1 Associated magazines and ammunition seized from Kenneth Addison on September 30, 2022, at 15 N Creedmore Way, Anderson, Indiana (Asset Identification Number: 22-FBI-007908)

\$43,969.00 U.S. Currency seized from Kenneth Addison on September 30, 2022, at 15 N Creedmore Way, Anderson, Indiana (Asset Identification Number: 22-FBI-007909)

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (June 03, 2023) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, Room 105, United States Courthouse, 46 E. Ohio Street, Indianapolis, IN 46204, and a copy served upon Assistant United States Attorney Bradley P. Shepard, 10 W. Market Street, Suite 2100, Indianapolis, IN 46204. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9.

The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Bradley P. Shepard, 10 W. Market Street, Suite 2100, Indianapolis, IN 46204. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.